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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.17349 of 2021

Manikandan

... Petitioner

Vs.

State represented by
The Inspector of Police,
All women Police Station,
Udumalpet,
Thiruppur District.
(Crime No.1136 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.1136 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Arun

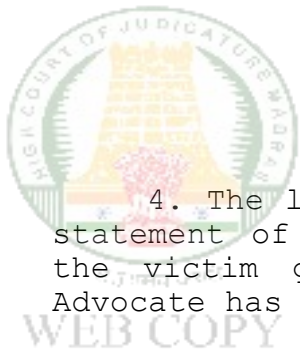
For Respondent : Mr.A.Gopinath
Government Advocate (Cr1.Side)

ORDER

The petitioner who was arrested on 24.08.2021 and remanded to judicial custody for the offences under Sections 366 of I.P.C and 5(1) r/w 6 of Prevention of Children from Sexual Offences Act 2012 in Crime No.1136 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl and the petitioner are neighbours and the petitioner fell in love with the victim girl. Thereafter the petitioner abducted the victim girl and had sexual relationship with her.. Based on the complaint given by the mother of the victim girl the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner and the victim girl are neighbours, apart from that he is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 24.08.2021. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that the statement of 164 Cr.P.C has been recorded. He further submits that the victim girl has been secured. Hence, the learned Government Advocate has no serious objection to grant bail to the petitioners.

5. On perusal of the 164 statements it is seen that the victim girl and the petitioner are lovers and the victim girl on her own volition went along with the petitioner.

5. Considering the facts of the case and the victim girl has been secured and in the 164 Cr.P.C recorded by the victim girl she had stated that she on her own volition went along with the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Mahila Court, Thiruppur, Thiruppur District, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
27/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE MAHILA COURT,
THIRUPPUR. THIRUPPUR DISTRICT.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UDUMALPET, THIRUPPUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. D.ARUN Advocate on payment of necessary charges

CRL OP.17349/2021

Date :27/09/2021

JPA 27/09/2021